

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

CLIFFORD BONNER-EL

Plaintiff(s),

V.

J. C. GILES, ET AL.

Defendant(s).

2:05-CV-409-F

ANSWER OF DEFENDANT(S)

COMES NOW Defendants J.C. Giles, et al., by and through the undersigned counsel, and for their Answer to the above-styled action, state as follows:

Defendants deny each and every material allegation made in the Complaint, and demand strict proof thereof.

Defendants deny that they violated any of the Plaintiff's constitutional rights.

Defendants deny that they caused or allowed to continue any unconstitutional condition of the Plaintiff's confinement.

Defendants deny that they used excessive force against Plaintiff.

Defendants deny that they violated Plaintiff's Eighth Amendment rights.

DEFENSES AND AFFIRMATIVE DEFENSES

The Plaintiff has failed to state a claim upon which relief may be granted.

Defendants are entitled to state agent immunity.

Defendants are entitled to sovereign immunity under Article 1, § 14 of the Alabama Constitution (1901).

Defendants are immune from suit under the Eleventh Amendment to the United States Constitution.

Defendants are immune from suit due to qualified immunity.

Defendants are immune from suit due to discretionary function immunity

Respectfully submitted,

TROY KING, KIN047
ATTORNEY GENERAL

/s/ Benjamin H. Albritton
Benjamin H. Albritton (ALB008)
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that I have, this the 14th day of June, 2005, served a copy of the foregoing upon the Plaintiff by placing same in the United States Mail, postage prepaid and properly addressed as follows:

Clifford Bonner El, AIS#208359
Staton Correctional Facility
P.O. Box 56
Elmore, AL 36016

/s/Benjamin H. Albritton
Benjamin H. Albritton
Assistant Attorney General